

REMARKS

Claims 1–28 are pending in this application. In the Office Action, the Examiner rejected Claims 1–28. By this paper, Applicants amend claims 1, 8, 15, 22, and 28, and respectfully traverse the Examiner's rejections.

Claim Rejections under 35 U.S.C. § 101

The Examiner rejected claims 1–7 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Although Applicants do not necessarily agree with the Examiner's assertion, in the interest of furthering prosecution, Applicants have amended claim 1 to specify that the data object is "stored in a non-volatile memory." Applicants respectfully traverse the rejections and request reconsideration of claims 1–7 based on the amendment to claim 1 and the following remarks.

Regarding claims 1–7, the Examiner stated that "[t]he claims are useful and concrete, but they fail to produce a tangible result because neither the function nor any results are stored in non-volatile media or, made tangible by being returned to the user." OA at pages 2-3. The Examiner further asserted "the claims are directed towards a method for controlling access, however the limitations are directed towards abstract ideas that [do] not accomplish the method as stated in the preamble." OA at page 3.

As noted by the Examiner, to be tangible, the claimed invention must produce a practical application or real world result. Applicants respectfully submit that claim 1, as amended, produces a practical application or real world result in that it causes a data object to be physically stored in a non-volatile memory. Further, Applicants submit that the claimed invention produces a practical application because it is directed towards data archiving. In particular, the claimed process controls access to a data object when another program wants to read data in the process of being archived. The practical application is that, if the method did not perform the check to see if the data object's ID is contained in a lock object and is associated with a storage location prior to the

accessing step, the data object could potentially be corrupted or lost. See Applicants' specification at pages 2-3, paragraphs 6-8. By claiming these steps, Applicants respectfully assert that claim 1 is providing a practical application or real world result because the method is preventing data objects from being corrupted or lost. Therefore, Applicants respectfully submit that claim 1, as amended, produces a practical application or real world result. Claims 2-7 depend from claim 1 and therefore produce a practical application or real world result for at least the same reasons as claim 1 discussed above. Accordingly, Applicants request that the Examiner withdraw the rejections of claims 1-7 under 35 U.S.C. § 101.

Claim Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1, 3, 5, 8, 10, 12, 15, 17, and 19 under 35 U.S.C. § 102(e) as allegedly anticipated by Teng, U.S. Patent No. 6,944,615 ("*Teng*"). In order to support a rejection under 35 U.S.C. § 102(e), each and every element as set forth in the claims must be found, either expressly or inherently described, in a single prior art reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).). Applicants respectfully traverse the Examiner's rejections for at least the reasons discussed below.

With this Amendment, Applicants have amended claim 1 to include "determining whether a transactional lock has been successfully set on the data object; determining whether a permanent lock has been set on the data object based on whether a transactional lock has been successfully set on the data object; and granting read/write access to the data object based on the permanent lock not being set on the data object," as recited in claim 27. In the Office Action, the Examiner stated with reference to claim 28, that:

Teng does not explicitly indicate 'determining whether a permanent lock has been set on the data object based on the transactional lock being successfully set on the data object; granting read write access to the data object based on the permanent lock not being set on the data object.'

Office Action at pp. 12–13. Therefore, claim 1, as amended, cannot be anticipated by *Teng*. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections under 35 U.S.C. § 102(e) of claim 1 and claims 3 and 5, which depend from claim 1.

Independent claims 8 and 15 have also been amended to include similar limitations. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections under 35 U.S.C. § 102(e) of claims 8, 15, claims 10 and 12 (which depend from claim 8), and claims 17 and 19 (which depend from claim 15).

Further, independent claims 1, 8, and 15, as amended are not obvious in view of the prior art because, as discussed below, the prior art does not teach at least "granting read/write access to the data object based on the permanent lock not being set on the data object."

Accordingly, Applicants respectfully submit that claims 1, 3, 5, 8, 10, 12, 15, 17, and 19, after entry of this Amendment, are patentable over the prior art.

Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 2, 4, 6, 7, 9, 11, 13, 14, 16, 18, and 20–28 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Teng* in view of various references. Applicants respectfully traverse the Examiner's rejections for at least the reasons discussed below.

Claims 27 and 28

The Examiner rejected claims 27 and 28 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Teng* in view of Josten et al., U.S. Patent No. 6,944,615 ("*Josten*"). Applicants respectfully traverse the Examiner's rejections at least because no *prima facie* case of obviousness can be established.

M.P.E.P. § 2142 states that "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness." To establish a *prima facie* case

of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. § 2142, 8th Ed., Rev. 4 (August 2006), p. 2100–134.

The requirement for establishing a prima facie case of obviousness is not met, because *Teng* in view of *Josten* does not teach or suggest every feature of Applicants' claims. In particular, the prior art of record does not teach or suggest at least "granting read/write access to the data object based on the permanent lock not being set on the data object," as recited in claim 27. The Examiner admits that *Teng* does not teach "granting read/write access to the data object based on the permanent lock not being set on the data object." Office Action, p. 12. The Examiner contends, however, that *Josten* cures this defect, citing *Josten* at col. 11, lines 32–54. Applicants respectfully disagree. *Josten* discloses a method of opening a database and acquiring a lock wherein a P-lock on the database must have one of several different lock modes, which allow different resources to access the same database with various permissions. See, e.g., *Josten*, col. 9, lines 33 to col. 10, line 57. In order to acquire a P-lock, a transaction must request a P-lock **and** the specific mode of that P-lock. In the invention of *Josten*, neither database access nor the grant of a P-lock will be granted simply based on a P-lock not being set. Therefore, it is impossible for the invention of *Josten* to "grant[] read/write access to the data object based solely on the permanent lock not being set on the data object," as recited in claim 27. In the invention of *Josten*, a P-lock with the proper mode must exist before granting read/write access.

Applicants respectfully submit that Claim 27 is patentable over *Teng* in view of *Josten* at least because those references do not teach or suggest "granting read/write access to the data object based on the permanent lock not being set on the data object." Claim 28 recites, *inter alia*, a similar limitation ("granting access to the data object if the ID is not contained in the permanent lock object") and is therefore also patentable. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 27 and 28 under 35 U.S.C. § 103.

Claims 6, 7, 13, 14, and 20–26

The Examiner rejected claims 6, 7, 13, 14, and 20–26 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Teng* in view of *Bamford et al.*, U.S. Patent No. 6,507,853 ("*Bamford*"). Applicants respectfully traverse the Examiner's rejections for the reasons discussed below.

Independent claims 1, 8, 15, and 22 have been amended to include, *inter alia*, the limitation "granting read/write access to the data object based on the permanent lock not being set on the data object," which is not obvious for at least the reasons discussed above. Accordingly, Applicants respectfully submit that independent claims 1, 8, 15, and 22 are patentable over the prior art.

Claims 6 and 7 depend from claim 1 and are therefore patentable for at least the same reasons as claim 1 discussed above. Claims 13 and 14 depend from claim 8 and are therefore patentable for at least the same reasons as claim 8 discussed above. Claims 20 and 21 depend from claim 15 and are therefore patentable for at least the same reasons as claim 15 discussed above. Claims 23–26 depend from claim 22 and are therefore patentable for at least the same reasons as claim 22.

Claims 2, 4, 9, 11, 16, and 18

The Examiner rejected claims 2, 4, 9, 11, 16, and 18 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Teng* in view of *Bamford* and further in view of *Daynes*,

U.S. Patent No. 6,772,255. Applicants respectfully traverse the Examiner's rejections for the reasons discussed below.

Claims 2 and 4 depend from claim 1 and are therefore patentable for at least the same reasons as claim 1 discussed above. Claims 9 and 11 depend from claim 8 and are therefore patentable for at least the same reasons as claim 8 discussed above. Claims 16 and 18 depend from claim 15 and are therefore patentable for at least the same reasons as claim 15 discussed above.

For at least the reasons discussed above, Applicants respectfully submit that after entry of this Amendment, all claims are allowable.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art. Applicants therefore requests reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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